

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Comcast of Massachusetts I, Inc.

Case No.: 03cv12266 WGY

Plaintiff,

AFFIDAVIT OF ATTORNEY FOR
PLAINTIFF'S REQUEST
FOR DEFAULT

vs.

John Rogers

Defendant

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

1. On November 14, 2003, the Plaintiff filed a Complaint against the Defendant, **John Rogers**, in United States District Court, alleging violations of 47 U.S.C. § 553.
2. On December 8, 2003, the said Defendant was served by **leaving at last and usual place of abode**, by **Deputy Sheriff George A. Hooper** (see copy of Deputy Sheriff's Return of Service marked **Exhibit A**, attached hereto, and made a part hereof).
3. Pursuant to the provisions of Rule 12 of the Fed. R. Civ. P., the Defendant had twenty days after being served with the summons and complaint within which to serve an answer to Plaintiff's Complaint.
4. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.

5. I have filed herewith an application for entry of default, with the request that a Notice of Default be entered by this Court.
6. I have attached a Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Von Subscribed and sworn to, under the pains and penalties of perjury, this 21 day of January, 2004.

Respectfully Submitted for the Plaintiff,
Comcast of Massachusetts I, Inc.
By Its Attorney,

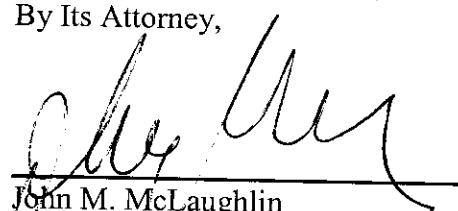

John M. McLaughlin
MCLAUGHLIN SACKS, LLC
31 Trumbull Road
Northampton, MA 01060
Telephone: (413) 586-0865
BBO No. 556328

EXHIBIT A

AO 440 (Rev. 10/93) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

Comcast of Massachusetts I, Inc.

v.

John Rogers

SUMMONS IN A CIVIL CASE

03 CV 12266 WGY

CASE NUMBER:

TO: (Name and address of Defendant)

John Rogers
 157 Cook Street
 Billerica, MA 01821

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John M. McLaughlin
 McLaughlin Sacks, LLC
 31 Trumbull Road
 Northampton, MA 01060

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

TONY ANASTAS

CLERK

(By) DEPUTY CLERK



JAN 14 2003

DATE

RETURN OF SERVICE



Middlesex Sheriff's Office • Civil Process Division, P.O. Box 7135, Lowell, MA 01852-0135 • (978) 452-3221

Middlesex, ss.

December 8, 2003

I hereby certify and return that on 12/05/03 at 12:25pm I served a true and attested copy of the SUMMONS, COMPLAINT, COVER SHEET, CORPORATE DISCLOSURE STATEMENT & CASE COVER SHEET in this action in the following manner: To wit, by leaving at the last and usual place of abode of JOHN ROGERS, 157 COOK STREET, BILLERICA, MA. and by mailing first class to the above address on 12/08/03. In the service hereof it was necessary and I actually used a motor vehicle 12 miles. Fees: Service \$20.00, Conveyance \$12.16, Attest \$10.00, P&H \$3.00, Travel \$1.80, Total Fees \$46.96

George A. Hooper
Deputy Sheriff

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date _____

Signature of Server

Address of Server